

(the “Objection”) to the Lease Rejection Motion was filed before the Objection Deadline by 225 Broadway LLC (the “Landlord”) with respect to the San Diego Master Lease and Sublease at 225 Broadway Street, San Diego, California (together, the “San Diego Leases”).

3. The Debtors have agreed to adjourn the hearing on entry of the final order on the Lease Rejection Motion, *solely with respect to the San Diego Leases*, to November 4, 2024, at 10:00 a.m. (prevailing Central Time) as the Debtors and the Landlord work to consensually resolve the Objection to the Lease Rejection Motion.

4. As a condition of the adjournment of the hearing on the San Diego Leases, the Landlord agrees that the latest date it will assert as the date of rejection for the San Diego Leases under the Lease Rejection Motion is **October 16, 2024**. For the avoidance of doubt, notwithstanding such agreement, the Debtors reserve all rights to argue that retroactive relief is appropriate and should be granted as of the Petition Date, September 11, 2024, as set forth in the Lease Rejection Motion. Further, notwithstanding such agreement, nothing herein shall restrict the parties from otherwise mutually agreeing to different terms and conditions than stated herein in connection with a consensual resolution to the Objection.

5. Attached hereto as **Exhibit A** is a redline of the proposed *Order (I) Authorizing, Effective Nunc Pro Tunc to the Petition Date, (A) the Rejection of Certain Unexpired Leases and (B) Abandonment of Certain Personal Property, and (II) Granting Related Relief* (the “Proposed Revised Order”), which incorporates comments from the Landlord, compared to the initial proposed order attached to the Lease Rejection Motion. The Debtors and the Landlord have consented to entry of the Proposed Revised Order. A clean version of the Proposed Revised Order is attached hereto.

6. The Debtors request that the Court enter the Proposed Revised Order.

Houston, Texas
Dated: October 16, 2024

/s/ John F. Higgins

PORTER HEDGES LLP

John F. Higgins (TX Bar No. 09597500)
M. Shane Johnson (TX Bar No. 24083263)
Megan Young-John (TX Bar No. 24088700)
James A. Keefe (TX Bar No. 24122842)
1000 Main St., 36th Floor
Houston, Texas 77002
Telephone: (713) 226-6000
Facsimile: (713) 226-6248
Email: jhiggins@porterhedges.com
sjohnson@porterhedges.com
myoung-john@porterhedges.com
jkeefe@porterhedges.com

*Proposed Co-Counsel to the Debtors
and Debtors in Possession*

KIRKLAND & ELLIS LLP

KIRKLAND & ELLIS INTERNATIONAL LLP

Joshua A. Sussberg, P.C. (admitted *pro hac vice*)
Elizabeth H. Jones (admitted *pro hac vice*)
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
Email: joshua.sussberg@kirkland.com
elizabeth.jones@kirkland.com

-and-

Alexandra F. Schwarzman, P.C. (admitted *pro hac vice*)
333 West Wolf Point Plaza
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
Email: alexandra.schwarzman@kirkland.com

*Proposed Co-Counsel to the Debtors
and Debtors in Possession*

Certificate of Service

I certify that on October 16, 2024, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ John F. Higgins

John F. Higgins